

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 1-14 remain pending in the present application. No new matter has been added.

By way of summary, the Office Action presents the following issues: Claims 1-2 and 5-8 stand rejected under 35 U.S.C. § 103(a) as obvious over Kuriya et al. (U.S. Patent Application Publ'n No. 2001/0056404 A1, hereinafter "Kuriya") in view of Natsuno et al. (U.S. Patent Application Publ'n No. 2002/0194474 A1, hereinafter "Natsuno"); Claim 3 stands rejected under 35 U.S.C. § 103(a) as obvious over Kuriya in view of Natsuno and Flanagin et al. (U.S. Patent No. 6,128,661, hereinafter "Flanagin"); Claim 4 stands rejected under 35 U.S.C. § 103(a) as obvious over Kuriya in view of Natsuno, Flanagin, and Takeuchi (U.S. Patent Application Publ'n No. 2003/0134615 A1, hereinafter "Takeuchi"); and Claim 9 stands rejected under 35 U.S.C. § 103(a) as obvious over Kuriya in view of Natsuno, Takeuchi, and Kunigita (U.S. Patent Application Publ'n No. 2003/0078723 A1, hereinafter "Kunigita").

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2 and 5-8 stand rejected under 35 U.S.C. § 103(a) as obvious over Kuriya in view of Natsuno. Applicants respectfully traverse that rejection.

Amended Claim 1 recites an information-processing apparatus, including, in part, "deleting means for deleting the apparatus ID data . . . , when the receiving means receives . . . the apparatus ID data." Applicants respectfully submit that Kuriya and Natsuno fail to disclose or suggest those features.

Kuriya describes a system including a manager server and a mobile telephone, in which, "In step S4105, . . . the mobile telephone 11 sends a request (including the user ID and

the content ID of the content to be checked in) . . . to the manager server 14”¹ Further to Kuriya, “In step S4206, the content management program 154 [of the manager server 14] deletes the device ID corresponding to the content ID included in the received check-in request”²

Thus, Kuriya merely describes deleting a device ID upon reception of a check-in request including a user ID and a content ID. Kuriya does not describe deleting the data included in the check-in request. Applicants respectfully submit that Kuriya fails to disclose or suggest “deleting means for deleting the apparatus ID data . . . , when the receiving means receives . . . the apparatus ID data,” as recited in Claim 1.

In the Advisory Action dated July 16, 2009, the Office asserted that the content ID “should also be deleted at least to make efficient use of storage space.”³ The Office further advanced the position that “Since the [Kuriya] user ID and the content ID collectively imply the apparatus ID, the apparatus ID is therefore implicitly included in the check-in request.”⁴

In this regard, the Office is reminded that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”⁵ Thus, Applicants request that the Office provide evidence supporting the proposed modifications to Kuriya.

Further, the Office also stated that “the check-in request must carry information regarding identification of the apparatus.”⁶

Even assuming the Kuriya check-in request must carry information regarding identification of the apparatus, the check-in request need not carry the device ID, because the

¹ Kuriya, para. [0320].

² Id., para. [0324]; id., Fig. 7.

³ Advisory Action at 3, ll. 17-19.

⁴ Id., at 2, ll. 13-15.

⁵ In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006); MPEP 2142.

⁶ Advisory Action at 2, l. 19.

manager server can identify the device ID based on the content ID. In this regard, the Office is reminded that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.⁷

Accordingly, Applicants again submit that Kuriya fails to disclose or suggest “deleting means for deleting the apparatus ID data . . . , when the receiving means receives . . . the apparatus ID data,” as recited in Claim 1.

The Office does not rely on Natsuno for providing the above-noted features lacking in Kuriya.⁸ Applicants respectfully submit that Natsuno fails to remedy the above-noted deficiencies in Kuriya.

Thus, it is again submitted that Kuriya and Natsuno, taken alone or in combination, fail to disclose or suggest “deleting means for deleting the apparatus ID data . . . , when the receiving means receives . . . the apparatus ID data,” as recited in Claim 1. Thus, Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Kuriya and Natsuno.

It is further submitted that independent Claims 5-7 (and all associated dependent claims) are allowable for the same reasons as discussed above with regard to Claim 1 and for the more detailed features presented in those claims.

Independent Claim 3 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kuriya in view of Natsuno and Flanagin. Applicants submit that Flanagin fails to remedy the above-noted deficiencies in Kuriya and Natsuno. It is therefore submitted that independent Claim 3 (and all associated dependent claims) patentably distinguishes over any proper combination of Kuriya, Natsuno, and Flanagin.

⁷ In re Rijckaert, 9 F.3d 1531, 1534 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82 (CCPA 1981); MPEP § 2112 IV.

⁸ Office Action at 6-7.

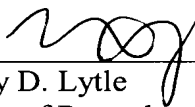
Dependent Claims 4 and 9 stand rejected under 35 U.S.C. § 103(a) as obvious over Kuriya and Natsuno in combination with Flanagin, Takeuchi, and Kunigita. It is respectfully submitted that Flanagin, Takeuchi, and Kunigita fail to remedy the above-noted deficiencies in Kuriya and Natsuno. Accordingly, it is respectfully submitted that the rejections of dependent Claims 4 and 9 are moot.

CONCLUSION

Consequently, in light of the foregoing comments, it is respectfully submitted that the present application, including Claims 1-14, is patentably distinguished over the cited art and is in condition for allowance. Such an allowance is respectfully requested at an early date.

Respectfully submitted,

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